UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

vs. **Case No. 98-Cr- 200**[1]

DWAYNE REED,

Movant.

DECISION AND ORDER

In the latter months of 2004, movant Dwayne Reed ("Reed") filed a petition for equitable relief. By letter dated March 20, 2005, Reed states that he believes he filed the "motion" in the wrong court, that he should have filed it in the Court of Appeals for the Seventh Circuit, and requests that the Court forward his motion to that court.

Reed, previously found guilty by a jury and sentenced by this Court with his conviction having been affirmed on direct appeal and upheld on collateral review by means of a petition pursuant to 28 U.S.C. § 2255 by this court and on appeal, is correct that his current motion should have been filed with the court of appeals. Despite its title, his motion is a successive petition for relief and Reed must obtain leave to file a successive petition from the

[1]Reed's petition for equitable relief bears case number 99-3619 – the case number which the court of appeals assigned to his direct appeal. The Clerk of Court docketed Reed's motion as a motion for relief pursuant to Rule 60(b) in his criminal case. Thus, the Court has substituted Reed's criminal case number – 98-Cr-200 for the direct appeal appellate case number.

appellate court. *See Melton v. United States*, 359 F.3d 855 (7th Cir. 2004) Therefore, this Court will direct the District Court Clerk of Court to transfer Reed's petition for equitable relief to the Court of Appeals for the Seventh Circuit.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

The District Court Clerk of Court **SHALL** transfer Reed's petition for equitable relief, which is a successive petition for relief under 28 U.S.C. § 2255, to the Court of Appeals for the Seventh Circuit.

Dated at Milwaukee, Wisconsin this 25th day of April, 2005.

BY THE COURT

s/ Rudolph T. Randa

Hon. Rudolph T. Randa
Chief Judge